

SDNY / NY NY
04-CV-7447
Holwell

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

LISA BUTLER and STUART GARBER,
Derivatively on Behalf of
IAC/InterActiveCorp.

Plaintiffs-Appellants.

v.

BARRY DILLER, DARA
KHOSROWSHAH, JULIUS
GENACHOWSKI, RICHARD N.
BARTON, VICTOR A. KAUFMAN,
EDGAR BRONFMAN, JR., DONALD R.
KEOUGH, MARIE-JOSÉE KRAVIS,
JOHN C. MALONE, H. NORMAN
SCHWARZKOPF, ALAN SPOON,
DIANE VON FURSTENBERG, ROBERT
R. BENNETT, ANNE M. BUSQUET,
JEAN-RENÉ FOURTOU and STEVEN
RATTNER,

Defendants-Appellees,

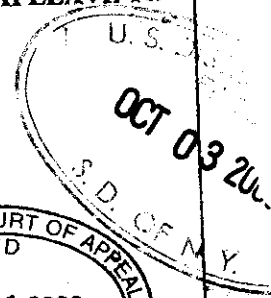
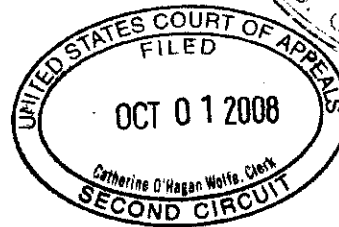
-and-

IAC/INTERACTIVECORP.

Nominal Defendant-Appellee.

C.A. Docket No. 07-1697-cv

STIPULATION WITHDRAWING
APPEAL FROM ACTIVE
CONSIDERATION, WITHOUT
PREJUDICE, AND WITH LEAVE TO
REACTIVATE



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DATE FILED:

WHEREAS the parties entered into a stipulation so-ordered by the Court on June 14, 2007 suspending the above-captioned appeal until March 31, 2008;

WHEREAS the parties entered into another stipulation so-ordered by the Court on March 28, 2008 suspending the above-captioned appeal until September 30, 2008; and

WHEREAS the parties agree that a further suspension is warranted given the ongoing litigation in a related case: *In re IAC/InterActiveCorp. Sec. Litig.*, Master File No. 04-CV-7447 (S.D.N.Y.), which action may affect this appeal.

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for the parties that the above-captioned appeal hereby continues to be withdrawn from active consideration from the Court, such withdrawal to be without prejudice to a reactivation of

CERTIFIED:

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the appeal by appellant's counsel so notifying the Clerk of this Court in writing by March 30, 2009. If not thus reactivated, the appeal shall be subject to dismissal with prejudice.

Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under FRAP 42(b).

DATED: September 29 2008

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SO ORDERED.

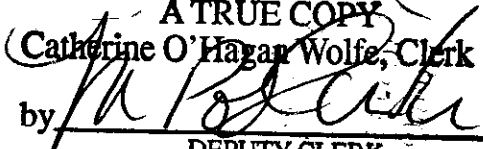
FOR THE COURT

Catherine O'Hagan Wolfe, Clerk of Court

By


Vidya Kurella, Staff Counsel

A TRUE COPY


Catherine O'Hagan Wolfe, Clerk

by


DEPUTY CLERK